

PRELIMINARY REMARKS

MPEP § 1205.03 states that “[w]hen the Office holds the brief to be defective solely due to appellant’s failure to provide a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v), an entire new brief need not, and **should not**, be filed. Rather a paper providing a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v) will suffice.”

In the Notification of Non-compliant Appeal Brief, the Examiner indicated that he “[assumed] that applicant intended ‘NONE’ for the [Evidence and Related proceedings appendices].” Thus, in light of the Examiner’s assumption, and pursuant to MPEP § 1205.03, Appellants only file herewith a revised Section V, Summary of Claimed Subject Matter.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Appellants’ application contains independent claims 49, 61, 85, 94, 126 and 127. Independent claim 49 recites a storage system for a vehicle having a driver compartment and a passenger compartment rearward of the driver compartment and within a single enclosure (*See, e.g.* Specification, p.11, ll.12-16), wherein the enclosure is defined by a floor, a roof, two opposing side walls which each connect the roof to the floor, and exterior side panels (*See, e.g. id.* at p.8, ll.1-5 (discussing vehicles commonly known to have an enclosure defined by a floor, a roof, two opposing side walls connecting the floor and the roof, and exterior side panels)), wherein the passenger compartment includes opposing rear wheel wells extending into the passenger compartment from the bottom edges of the side panels (*See, e.g.* Fig. 5(53); Specification, p.4, ll.24-27), the storage system comprising at least one storage area adjacent to and separated from the passenger compartment, the storage area being defined by at least a portion of an exterior side panel, an inner panel, a top and bottom which connect the inner panel to the exterior side panel (*See, e.g.* Figs. 5(51), 9(103) & 10(103)), and wherein the storage area extends into the passenger compartment no further than the wheel well extends into the passenger compartment (*See, e.g.* Specification, p.4, ll.24-27), wherein at least one section of the exterior side panel is hinged to provide access to the storage area therein. *See, e.g.* Fig. 9(105); Specification p.5, ll.5-8.

Independent claim 61 recites a vehicle having a forward compartment for carrying a driver, and including at least one forward side door providing access to the forward compartment, and a rear compartment for passengers, merchandise or equipment wherein the rear compartment is disposed to the rear of the driver compartment (*See, e.g.* Specification p.8, ll.1-16), wherein the forward and rear compartments are contained in a single enclosure (*See, e.g. id.*), and further wherein the rear compartment is bounded by exterior, contoured side panels and a rear (*See, e.g. id.* at p.15, ll.26-27 & p.4, ll.1-6), including at least one rear door, and optionally at least one rear side door (*See, e.g. id.* at p.11, ll.12-18), and wherein each side panel has a lower perimeter that includes a curve to accommodate a rear wheel well adjacent each side panel (*See, e.g. Fig. 6(62)*); the vehicle comprising at least one storage area disposed between a rear-most one of said side doors and the rear of the vehicle (*See, e.g. id.* at (61)), and adjacent at least one exterior, contoured side panel and extending into the enclosure of the vehicle no further than the wheel well extends into the enclosure (*See, e.g. Specification, p.4, ll.24-27*), and wherein the side panel adjacent the storage area includes a hinged section effective to provide an opening from the exterior of the vehicle into the storage area (*See, e.g. id.* at p.5, ll.5-8), and further wherein the separation width and cross sectional contour of the side panels of the enclosure is substantially the same as the separation width and cross-sectional contour of the forward compartment where it adjoins the side panels of the enclosure. *See, e.g. id.* at p. 14, ll.15-18 & p.18, ll.15-18.

Independent claim 85 recites a vehicle comprising an enclosure containing at least two rows of seats for a driver and passengers (*See, e.g. Specification, p. 9, ll.22-24 & p.11, ll.14-18*), the enclosure comprising: a floor area bounded on either side by side panels with exterior surfaces defining the width of the enclosure (*See, e.g. id.* at p.8, ll.1-5); two opposed rear wheel wells, one at each side of the floor panel (*See, e.g. id.* at p.4, ll.25-27 & p.5, ll.2-4); at least one hinged section in the exterior surface of at least one of the side panels (*See, e.g. Fig. 5(52); Specification, p.11, l.25*); at least one storage area located adjacent the at least one hinged section, and extending into the enclosure to an inner wall of the storage area (*See, e.g. Fig. 5(51); Specification, p. 11, ll.18-21*), wherein the hinged section is configured to provide access to the storage area when the hinged section is in the open position (*See, e.g. Specification, p.7, ll.11-17*) and wherein the width of the storage area is not greater than the width of the wheel well (*See, e.g. id.* at

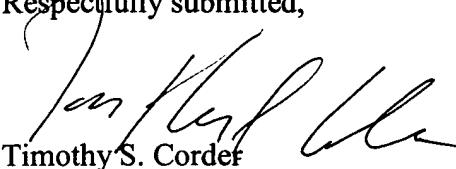
Serial No. 09/083,422
Filed 05/22/98

p.4, ll.24-27); a latch for retaining the at least one hinged side panel section in the closed position (*See, e.g. id.* at p.5, ll.4-11); and a strut for retaining the hinged section in the open position. *See, e.g.* Fig. 8A(82); Specification, p.14, ll.3-5.

CONCLUSION

If the Examiner has any questions or comments, a telephone call to the undersigned Appellants' representative at (512) 542-8446 is earnestly solicited.

Respectfully submitted,



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Date: July 21, 2006